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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,945	06/15/2000	Hitoshi Naoe	1247-0428P-SP	9234.
2292	7590	05/07/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			MUNOZ, GUILLERMO	
			ART UNIT	PAPER NUMBER
			2634	

DATE MAILED: 05/07/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/593,945

Applicant(s)

NAOE, HITOSHI

Examiner

Guillermo Munoz

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed February 13, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,4,6,7,9 and 12 is/are allowed.
- 6) ☒ Claim(s) 1,2,5,8,10,11,13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Argument

Applicant's arguments, see pages 9-10, of amendment filed February 13, 2004, with respect to the rejection(s) of claim(s) 1, 3, 5, 8 and 9 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted, on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-2, 5, 8, 10, 11, 13, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Tajima et al. (US Patent 6,373,911).

Regarding claim 1, Tajima et al. discloses a Bit Synchronization Circuit, which teach all the claimed subject matter "a polyphase clock generation circuit...detection result from the

detection circuit” in claim 1 as follows. Tajima et al. disclose that a bit synchronization circuit comprises a multi-phase clock generating means, a phase comparator means for comparing between the input data and respective clocks of different phases output from the multi-phase clock, a phase determining means for determining the clock occurring substantially at the data bit center and selection means for taking the clock determined by the phase determining means as the data decision clock, note Col. 2, line 53 – Col. 3, line 10.

Regarding claim 2, Tajima et al. further teach the claimed subject matter, note figure 2 and Col. 3, lines 51-52.

Regarding claim 5; as applied to claim 1 above, Tajima et al. further teach the claimed subject matter “operational circuit....carrying out operations on sampled values” in lines 10-12 as follows. Tajima et al. disclose a holding circuit (element 8, of figure 8) used to hold the phase for decision of data during receiving of one frame of data, note figure 8 and Col. 6, lines 57-60.

Regarding claim 8; as applied to claim 1 above, Tajima et al. further teach the claimed subject matter “a plurality of bit synchronous working circuits...carried out at each different phase” in claim 8, lines 10-16 as follows. Tajima et al. teach a plurality of decision means (element 4 of figure 1) used to generate data decisions using different phases output from the multi-phase clock, note figure 1 and Col. 2, lines 59-61.

Regarding claim 10, Tajima et al. further teach the claimed subject matter “constant cycle time” as follows. Tajima et al. disclose holding the detection circuit output for the period of time required to receive a data frame, note Col. 6, lines 57-60.

Regarding claim 11, see claim 1.

Regarding claim 13, see claim 2.

Regarding claim 14, see claim 2.

Allowable Subject Matter

Claims 3, 4, 6, 7, 9 and 12 are allowed.

The following is an examiner's statement of reasons for allowance:

Claims 3, 4, 6, 7, 9, and 12 are considered allowable because the present invention comprises a logic circuit to which an output from a detection circuit is input, and a latch circuit for receiving the output of the logic circuit; wherein the latch circuit output is input into the logic circuit. The closest prior art, Tajima et al., (US Patent Number 6,373,911) shows a similar circuit including a latch circuit and a logic circuit. However, Lee fails to teach the logic circuit and latch circuit forming a loop / feedback circuit. The distinct features of the instant application have been included in independent claim 3 rendering it allowable.

Conclusion

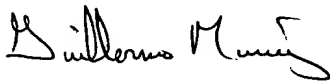
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guillermo Munoz whose telephone number is 703-305-4224.

The examiner can normally be reached on Monday-Friday 8:30a.m-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GM
April 30, 2004



STEPHEN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600